

Attorney Docket No: ERI-141XX
Inventor(s): Eliezer Peli
Application No. 10/583,682
TC Art Unit: 2873/Examiner: Darryl J. Collins
OA Date: 11/14/07/Resp. Date: 02/07/08

REMARKS

Pending claims 1-5 and 8-15 continue to be rejected as obvious over Onufryk (U.S. Patent No. 5,969,790), either alone or in combination with Israel (U.S. Patent No. 6,139,145), Heide et al. (U.S. Patent No. 4,575,204) or Peli et al. (U.S. Patent No. 6,775,060). These rejections are respectfully traversed for the reasons given below and reconsideration is requested. Applicant acknowledges that claim 16 has been allowed and claims 6-7 objected to. Claims 1 and 10 are amended herein to make explicit a limitation believed to have been implicit previously in the indicated claims.

Claims 1-5 and 10-13 have been rejected as obvious over Onufryk alone. As Applicant pointed out in the previous response, Onufryk discloses a system comprising a prismatic lens "wherein the prisms surround a non prism area in an apex in, base out orientation," (col. 3, lines 34-36, emphasis added). As a consequence, the system of Onufryk teaches the use of prism elements along and including the horizontal visual meridian as well as above and below the horizontal visual meridian (see, e.g., Onufryk, Fig. 3).

These teachings are in direct contrast to the limitations of the indicated claims as amended, which require that the peripheral viewing areas do not intersect the horizontal visual meridian nor the central viewing area and that the optical axis of each of the plurality of image-shifting elements in a specific peripheral viewing area forms a limited angle (between 10° and 60°) relative to the horizontal visual meridian. This configuration means there is no image-shifting element in the central viewing area. Thus,

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Onufryk ('790) teaches away from the Applicant's invention as recited in rejected claims 1 and 10 and the claims dependent thereon.

These physical requirements of the Applicant's system are important to the functioning of the system in performing its intended purpose, as described throughout the specification, e.g., at p. 5, lines 16-22, which state: "the spectacle system includes image-shifting devices that shift the perceived images from the central missing visual fields toward the upper and lower peripheral visual fields. *However, the image-shifting devices are not located in the central visual field where they may interfere with the person's normal central or foveal vision*" (emphasis added).

The Examiner has not indicated how someone in possession of the Onufryk system would have any idea how to modify that system to achieve the objectives of the Applicant's invention absent hindsight use of the Applicant's disclosure. Thus, Applicant submits that the rejection of claims 1-5 and 10-13 as obvious over Onufryk ('790) alone has been overcome.

Claim 8 has been rejected over Onufryk ('790), in view of Israel ('145); claim 9 has been rejected over Onufryk ('790), in view of Heide et al. ('204); and claims 14 and 15 have been rejected over Onufryk ('790), in view of Peli ('060). The teachings of Onufryk ('790) and its defects in making obvious the Applicant's claims have been discussed above. Applicant submits that the additionally cited references, in combination with Onufryk ('790), still cannot make obvious the indicated claims and the rejections are overcome.

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The Applicants submit that all claims in the application are in condition for allowance and such action is requested.

The Examiner is encouraged to telephone the undersigned attorney to discuss any matter which would expedite allowance of the present application.

Respectfully submitted,

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